

To: The Honorable Mayor and City Council

From: Aleem A. Ghany, P.E., Public Works Director 

Date: May 8th, 2012

RE: A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI FLORIDA, AUTHORIZING THE CITY MANAGER TO NOTIFY EXISTING PRIVATE WASTE COLLECTORS WITH THE THREE (3) YEAR NOTICE OF DISPLACEMENT PURSUANT TO FLORIDA LAW; PROVIDING FOR AN EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.

RECOMMENDATION

Staff recommends that Council adopt the proposed implementation of an exclusive franchise for the provision of solid waste services throughout the city, including recyclable materials.

BACKGROUND

On February 14, 2012 the Mayor and City Council authorized the execution of a service agreement between the City and Waste Pro of Florida, Inc. In accordance with Florida law, a public meeting needs to be held before the Mayor and City Council, concerning the provision of services by other waste collectors operating within the City. It is expected that at the termination of each existing contract for services or the established effective date, the THREE (3) notice of Displacement, whichever comes first, pursuant to section 403.70605, Florida Statutes, and other applicable provisions of law that authorize the City to enter into one or more exclusive franchises for the provision of Services within the City boundaries, shall be required to establish Services with Waste Pro of Florida, Inc.



776 N.E. 125 Street, North Miami, Florida 33161

Council Report

Repayment of future SRF preconstruction debt is based on 62.503 of the Florida Statute. The preconstruction debt is expected to be incorporated into the anticipated construction loan and will begin six months after construction is complete or within two years of the approval date of the attached loan agreement; whichever is latest.

As a condition of obtaining funds from the SRF, the City is required to hold a public meeting and discuss the various elements of the Facilities Plan proposed for the Water Plant.

TECHNICAL PROJECT INFORMATION

Facility planning consists of those necessary plans and studies that directly relate to the construction of drinking water infrastructure improvements. The facilities plan demonstrates the need for the proposed facilities, through a systematic evaluation of feasible alternatives; it also proposes that the selected alternative is effective in meeting established water quality goals while recognizing environmental and social considerations.

This document is an addendum (in addition to) to the "Feasibility Study of the Winson Water Treatment Plant Expansion" by Hazen & Sawyer – AECOM, dated December 2006. The addendum primarily addresses financial and environmental issues related to the proposed project, as required by the FDEP – SRF program.

In summary, this addendum includes:

- 1) Water Facilities Plan (WFP) signed and sealed by a Florida registered PE.
- 2) Documentation that the WFP has been adopted by the sponsor, via City Commission Resolution.
- 3) Documentation that the propose plan is in compliance with the local comprehensive plan, via letter from the Planning and Zoning Department stating such.
- 4) Completed SRF business plan.
- 5) Environmental assessment information as required by the SRF
- 6) Copy of the most recent sanitary survey for the Winson plant.
- 7) Statements that the proposed facility will meet FDEP drinking water standards, reliability requirements, and residual disposal requirements.
- 8) Documentation of the Public meeting minutes, sign in sheet, and public advertisement of this meeting.

This Facilities plan was prepared by the City of North Miami to meet the requirements of the State Revolving Fund (SRF) loan funding of drinking water systems. The area considered in preparing this plan includes the City of North Miami.

Technical elements are addressed in the Feasibility Study, Winson Water Treatment Plant Expansion by Metcalf & Eddy – AECOM, dated December 2006. This Facilities Plan addresses FDEP SRF project number 13183.

RESOLUTION NO. _____

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL
OF THE CITY OF NORTH MIAMI, FLORIDA,
AUTHORIZING THE CITY MANAGER TO NOTIFY
EXISTING PRIVATE WASTE COLLECTORS WITH THE
THREE (3) YEAR NOTICE OF DISPLACEMENT
PURSUANT TO FLORIDA LAW; PROVIDING FOR AN
EFFECTIVE DATE AND FOR ALL OTHER PURPOSES.**

WHEREAS, on January 24, 2012, the Mayor and City Council of the City of North Miami ("City") passed and adopted Ordinance Number 1326 ("Ordinance"), authorizing the collection and disposal of all garbage, bulk trash, rubbish, solid waste, and recyclable materials generated within the City ("Services") by a private solid waste collector selected by the City under a franchise agreement; and

WHEREAS, Section 403.70605, Florida Statutes, and other applicable provisions of law authorize the City to enter into one or more exclusive franchises for the provision of Services within the City boundaries; and

WHEREAS, on February 12, 2012, the Mayor and City Council passed and adopted Resolution Number R-2012-18, authorizing the City Manager to execute a franchise agreement between the City and Waste Pro of Florida, Inc. ("Contractor"), for the provision of Services consistent with Florida law and the provisions of the Ordinance ("Agreement"); and

WHEREAS, the City intends to have an exclusive franchise with Contractor for the provision of Services throughout the City; and

WHEREAS, the City has, pursuant to Section 403.70605, Florida Statutes, mailed notice of the public hearing to those solid waste collectors currently doing business in the City; and

WHEREAS, a public hearing was held on May 8, 2012, and comments and objections of all interested persons were heard and considered by the Mayor and City Council as required by Section 403.70605, Florida Statutes; and

WHEREAS, City administration respectfully requests direction from the Mayor and City Council to provide notice to solid waste collectors operating within the City, in accordance with Section 403.70605, Florida Statutes.

NOW THEREFORE, BE IT DULY RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NORTH MIAMI, FLORIDA:

Section 1. **Authority of City Manager.** The Mayor and City Council of the City of North Miami, Florida, hereby authorize the City Manager to notify existing private waste collectors with the three (3) year notice of displacement pursuant to Florida law.

Section 2. **Effective Date.** This Resolution shall become effective immediately upon adoption.

PASSED AND ADOPTED by a _____ vote of the Mayor and City Council of the City of North Miami, Florida, this _____ day of May, 2012.

ANDRE D. PIERRE, ESQ.
MAYOR

ATTEST:

MICHAEL A. ETIENNE, ESQ.
CITY CLERK

APPROVED AS TO FORM AND
LEGAL SUFFICIENCY:

REGINE M. MONESTIME
CITY ATTORNEY

SPONSORED BY: CITY ADMINISTRATION

Moved by: _____

Seconded by: _____

Vote:

Mayor Andre D. Pierre, Esq.	_____ (Yes)	_____ (No)
Vice Mayor Jean R. Marcellus	_____ (Yes)	_____ (No)
Councilperson Michael R. Blynn, Esq.	_____ (Yes)	_____ (No)
Councilperson Scott Galvin	_____ (Yes)	_____ (No)
Councilperson Marie Erlande Steril	_____ (Yes)	_____ (No)



March 9, 2012

RE: Notice of Intent to Implement Exclusive Franchise

Dear _____:

The City of North Miami, Florida, ("City") hereby provides notice, pursuant to Section 403.70605, Florida Statutes, of its intent to implement an exclusive franchise for the provision of solid waste services throughout the City, including recyclable materials ("Services"). On February 14, 2012, the Mayor and City Council authorized the execution of a Services agreement between the City and Waste Pro of Florida, Inc.

In accordance with Florida law, a public hearing will be held on May 8, 2012, before the Mayor and City Council, concerning the provision of Services by other waste collectors operating within the City. It is expected that at the termination of each existing contract for Services, or the effective date pursuant to Section 403.70605, Florida Statutes, whichever comes first, all service recipients within the City shall be required to establish Services with Waste Pro of Florida, Inc.

Sincerely,

Stephen E. Johnson
City Manager

c: Atrium Registered Agents, Inc., Registered Agent
Regine M. Monestime, City Attorney
Aleem Ghany, Public Works Director
Maxine Calloway, CP & D Director